COPP 8.2 Prisoner Employment Program

Prison

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| Principles As referenced in the [Guiding Principles for Corrections Australia 2018](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):  5.1.11 Prisoners have access to nationally recognised education programs. Programs are matched to prisoners’ educational level and learning needs and aligned with vocational training that assists them to gain employment post release.  5.1.12 Prisoner employment increases future employability, supports the achievement of nationally recognised qualifications and complements educational and vocational training opportunities.  5.2.6 Temporary leave programs are available to eligible prisoners, to support reintegration through continued engagement with family and community and access to education, training and employment opportunities. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all public and private prisons and associated work camps administered by or on behalf of the Department of Justice (the Department).

# Policy

The Prisoner Employment Program (PEP) is one strategy provided for the wellbeing and rehabilitation of prisoners[[1]](#footnote-1). Through this program, approved prisoners shall be granted the opportunity to be absent from prison, for the purposes of engaging in employment related activities in the community prior to their release[[2]](#footnote-2).

The assessment of eligible prisoners shall consider the merits of the PEP in assisting a prisoner to achieve sustainable paid employment or work experience options and/or prepare for employment through educational and vocational training. In all cases, approval for the PEP and absence from a prison shall consider the safety and interests of the public.

Where a prisoner displays prohibited insignia such as a gang tattoo that is visible in public, the prison should remind the prisoner of their obligations to cover the prohibited insignia[[3]](#footnote-3).

The prison, where appropriate should assist the prisoner by providing options to hide the insignia, such as provision of band-aids or makeup to hide the prohibited insignia where such items cannot be accessed by the prisoner.

# PEP Activities and Application

## PEP activities

### Prisoners may apply for the PEP for the following employment related activities in the community:

1. paid employment
2. work experience
3. attendance at a vocational training course (e.g. TAFE course) of more than 4 weeks duration
4. university attendance.

### Employment related activities not within the scope of the PEP include attendance at short education/vocational courses, traineeships of less than four weeks duration, and individually approved specific programs such as the Carey Bindjareb Program. Applications for these and other such activities may be permitted in accordance with [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Eligibility to apply

### Prisoners are eligible to apply for the PEP if they:

* 1. are a sentenced prisoner
  2. have achieved a minimum-security rating and placement, unless otherwise determined by the Superintendent and Director Sentence Management (DSM)
  3. are within 12 months of their eligibility for discharge from prison; that is, the 12 month period before the prisoner’s:

Earliest Eligibility Date (EED) - if a parole term

parole review date where EED has passed

Earliest Date of Release (EDR) - if a finite term or parole has been denied

release date of a recognisance order.

### Paid employment shall only commence, generally, in the last 6 months, prior to a prisoner’s potential release date or the last 6 months of a re-socialisation program in the case of a life/indefinite sentenced prisoner.

### Prisoners may apply for consideration, 3 months prior to their eligibility to commence paid employment.

### A prisoner sentenced to a life term or indefinite imprisonment is eligible to participate in the PEP only as a component of an approved re-socialisation program[[4]](#footnote-4), in accordance with [COPP 14.3 – Re-Socialisation Programs](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Ineligibility to apply

### Prisoners are ineligible to apply for the PEP:

1. where they may be liable for, or have a confirmed order of deportation or removal from Australia
2. where written advice has been received from Western Australian (WA) Police Force of another State’s intention to seek extradition, or when a warrant relating to extradition has been issued by a court in accordance with [COPP 14.6 – Prisoners Released from Custody](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
3. if they are a prisoner subject to *the* [*Criminal Law (Mentally Impaired Accused) Act 1996*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_228_homepage.html)
4. if they are a prisoner who is not confined in a prison or external facility[[5]](#footnote-5)
5. where they are under consideration for or subject to an order under the [*High Risk Serious Offenders Act*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_244_homepage.html) *2020*
6. if they are placed at the following prisons, except where the Superintendent and the DSM determine otherwise:

Acacia Prison

Albany Regional Prison

Bandyup Women’s Prison

Casuarina Prison

Hakea Prison

Melaleuca Women’s Prison

Wandoo Rehabilitation Facility.

### A prisoner is not eligible to be considered for the PEP until the completion of any treatment interventions, identified as part of their Individual Management Plan (IMP), intended to address a prisoner’s sexual or violent offending behaviour or the need for intensive substance abuse intervention.

### Generally, prisoners shall not be considered for the PEP who have:

### a pending charge for a minor prison offence, under s69 or s70 of the *Prisons Act 1981*

1. been convicted of a minor prison offence, under s69 of the *Prisons Act 1981*, within the 3 months from the offence date before their application.
2. Prisoners convicted of an aggravated prison offence(s) under s70 of the *Prisons Act 1981* and within the last 3 years during their current sentence only, shall not be considered by Case Conference for the PEP for periods specified as follows:

1 offence – prisoners are not eligible to apply until 3 months has elapsed from the date of the offence

2 offences – prisoners are not eligible to apply until 6 months has elapsed from the date of the most recent offence

3 offences – prisoners are not eligible to apply until 9 months has elapsed from the date of the most recent offence.

## Application process

### Prisoners eligible for the PEP shall submit a written application, using the [Application to participate in the Prisoner Employment Program form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) up to 3 months prior to the expected date of commencement of the PEP.

### The application form and other relevant documentation shall be submitted to the Employment Coordinator or Authorised Officer.

### The Employment Coordinator shall assist the prisoner with the application process, including writing it, if necessary.

### The application shall include details of the proposed:

1. employer/education facility or employment/education activity
2. transport options and logistics.

### The PEP application shall not proceed until an employer/education facility or activity has been proposed by the prisoner or identified by the Employment Coordinator.

### Applications for the PEP shall not proceed if there is insufficient time to process the application and the prisoner is unable to commence the PEP within a reasonable period of time before their potential release.

### Generally, only one PEP application will be considered at a time.

# Assessing the Application

## General requirements

### Participation in the PEP is a privilege. Applications shall be assessed based on the good conduct of the prisoner and the merits of the application in facilitating achievement of the prisoner’s successful reintegration into the community.

### The safety and interests of the public shall be considered. The prisoner shall be assessed as not posing an unreasonable risk to the safety of the community if an application is to be recommended/approved.

### Separate assessments shall be conducted for:

1. the prisoner’s suitability for the PEP by the Education Employment and Transitional Services (EETS)
2. the prisoner’s suitability for the PEP by the prison
3. suitability of the proposed employer, educator or trainer (PEP provider) by EETS.

### If the Superintendent or Authorised Officer determines at any stage the prisoner’s application will not proceed, they shall:

1. cease progression of the suitability report
2. record the recommendation using a decision slip, including the reason(s) for not recommending the application to proceed
3. advise the prisoner of the recommendation and the reasons
4. refer the recommendation to the DSM for a decision.

## Assessing the prisoner’s suitability - EETS assessment

### The Employment Coordinator shall interview the prisoner and assess their educational and employment requirements and suitability to participate in the program.

### The Prisoner Employment Program – Education and Vocational Training Assessment– Prisoner checklist (the checklist) shall be completed on TOMS.

### The Employment Coordinator, when assessing the application shall consider:

1. the prisoner’s career needs and employability skills
2. the prisoner’s employment history, both prior to and whilst in custody
3. the prisoner’s job preparedness
4. linking the prisoner to relevant and appropriate employment or education programs or industry employment.

### The Employment Coordinator shall ascertain if a prior relationship exists between the potential PEP provider and the prisoner by reviewing the prisoner’s records.

### If a prior relationship exists, the Employment Coordinator shall provide information pertaining to the nature of the relationship.

### Where a prisoner is applying to attend a university, the Employment Coordinator shall confirm that the prisoner is a current incarcerated tertiary student, approved by the Department’s Tertiary Studies Assessment Committee (TSAC).

### The Employment Coordinator shall liaise with the Education Campus Manager to submit an out-of-session application to the TSAC for a prisoner applying to study at a university.

### The application for tertiary study shall be emailed to the Chairperson at the TSAC at [TSACAdmin@justice.wa.gov.au](mailto:TSACAdmin@justice.wa.gov.au).

### TSAC shall assess the suitability of the prisoner’s proposed tertiary enrolment/s and continued study in accordance with the Tertiary and Higher Education Procedures and TSAC Guidelines.

### An application to attend university shall not proceed without TSAC approval.

### The Employment Coordinator shall make comment on the checklist in relation to how the potential PEP opportunity arose and whether it is likely to be extended post-release.

### The Employment Coordinator shall make comment on the checklist in relation to the mode of transport the prisoner shall use to attend the PEP. The comment shall also specify the distance from the prison to the proposed PEP activity and be logistically viable.

### The Employment Coordinator shall ensure the prisoner completes an [Authority to Disclose Confidential Information form](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx):

1. to indicate the prisoner’s willingness to share information about their convictions to potential PEP providers and trainers
2. authorising the Department to obtain confidential information about their participation in the program for sharing with government and non-government agencies and employers during their participation in the program and up to a period of three years post release.

## Fitness for work assessment - medical assessment

### Prior to commencing employment, work experience or any other activity which involves some level of physical exertion prisoners are required to undergo a medical assessment to determine their fitness for employment.

### The medical assessment shall be completed by the prison’s Medical Practitioner or arranged via the PEP provider where a more comprehensive assessment is required as a condition of their proposed employment.

### Where the EETS assessment recommends the prisoner’s PEP inclusion, the onsite Employment Coordinator shall enter the prisoner’s details, employment information and environmental factors in the Pre-Employment Program: Fitness for Work Medical Assessment Form on TOMS.

### The form shall be emailed (copying in the Coordinator Employment Release, Sentence Management) to the onsite Senior Medical Receptionist (SMR) requesting a priority appointment for the prisoner with a Medical Practitioner.

### The SMR shall make an appointment with a Medical Practitioner and ensure the Medical Practitioner on completion of the assessment, has, completed and signed the Pre-Employment Program: Fitness for Work Medical Assessment Form.

### The Medical Practitioner shall also record the outcome of the assessment on the prisoner’s medical file.

### The SMR shall return the completed form to the Coordinator Employment Release.

## Assessing the prisoner’s suitability – Prison assessment

### The Superintendent or Authorised Officer shall instruct an Officer to assess the prisoner’s PEP application and complete the:

1. Prisoner Employment Program – Other Activities Application checklist; or
2. Prisoner Employment Program – Paid Employment Application checklist, where the prisoner has requested participation in paid employment.

### The assessment shall provide relevant information in relation to:

1. the prisoner’s current offence details and any outstanding court matters
2. victim issues, whether:

a Victim Mediation Unit (VMU) referral has been made

the prisoner has a Victim Notification Register (VNR) Alert

the prisoner is subject to a Violence Restraining Order (VRO) or any other Court Orders.

1. the safety and interests of the public:

public perception

* the prisoner is subject to an Unlawful Consorting Notice or displays a prohibited insignia as defined in the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*

the nature of the prisoner's current and previous offences

successful completion of programs to address offending behaviour

whether the prisoner has taken responsibility for their offending behaviour

mental health issues.

1. likelihood of the prisoner successfully completing the PEP:

previous performance on community supervision, absence permits or bail

evidence of family and community support

provisions for the prisoner’s medical or health needs

education and vocational training history and career plan

prison employment history and job preparedness

whether the proposed opportunity transitions into the community.

transport arrangements and the distance from the prison to the proposed PEP activity

1. the prisoners behaviour while in custody:

prisoner management reports

incidents and loss of privileges

industry reports

participation in other external activity programs

any alerts

history of alcohol/drug/violent offences

attempted and/or actual escapes

1. whether the prisoner is known to the PEP provider.

### The Authorised Officer, during the PEP assessment process, shall notify the VMU, if applicable, of any application that may result in the prisoner receiving permission to be absent from prison.

### The notification shall be recorded in the PEP application checklist.

### The VNR is automatically notified of PEP applications via the Total Offender Management Solution (TOMS), no notification by prison staff is required.

### The Employment Coordinator shall provide any relevant information to the Assessment Officer completing the prisoner’s assessment.

### The Assessment Officer shall make a recommendation as to whether the prisoner should be approved to participate in the PEP.

## Assessing suitability of the PEP provider - EETS assessment

### The Employment Coordinator shall complete an assessment of the potential PEP Provider and complete the [Employer/Training Provider Assessment Checklist](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx).

### Assessment of the employment, education or training activity shall provide meaningful and sustainable employment, education or training prospects for the prisoner on release.

### The Employment Coordinator shall attend the proposed PEP activity site (work site, education or training facility) to ensure:

1. the validity of the activity
2. it meets the Department’s expectations
3. it provides a positive activity for prisoners.

### The Employment Coordinator shall ensure the PEP provider is compliant with workplace legislation[[6]](#footnote-6) and Workers Compensation requirements and can produce a certificate of currency for Public Liability Insurance.

### PEP employers who require criminal record check and intelligence summary check shall complete [Authorisation by Employer/Training Provider for Security Check](Authorisation%20by%20Employer/Training%20Provider%20for%20Security%20Check) form on TOMS.

## Prisoner identified and interview

### The Employment Coordinator shall ensure the potential PEP provider reads, understands and signs a Prisoner [Employment Program Employer/Training Provider Declaration](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form and is provided a copy for their reference once a prisoner has been identified.

### The Employment Coordinator shall encourage the potential PEP provider to meet with the prisoner through an interview process as required. The Employment Coordinator may attend the interview process.

### The Employment Coordinator shall ensure the potential PEP provider agrees to provide the prisoner in their initial placement, the approved Work Health and Safety training to the workplace industry standard.

## Intelligence

### Only in the following circumstances, the Employment Coordinator, shall request Intelligence Services to prepare an Intelligence Summary on the suitability of the proposed employer where:

1. they are a new employers (i.e., employers not previously assessed/approved)
2. approved employers have added a new supervisor
3. approved employers whose Intelligence Summary was produced more than 12 months ago
4. In exceptional circumstances where specific concerns about an approved employer have been raised.

# Prohibited Employment Options and Activities

### Employment and activities that could potentially increase a prisoner’s risk of reoffending and/or directly or indirectly relates to their offending behaviour shall not be approved.

### The Department reserves the right to deem any employment or activity unsuitable on any other reasonable grounds.

### Prohibited employment and activities include the following (but is not limited to):

1. selling or handling of alcohol, where the only duty is to serve to patrons. This does not preclude employment in the hospitality industry where the selling or handling of alcohol forms part of a general list of duties
2. any work linked to the sex industry
3. any work associated with gambling activities
4. employment at nightclubs or bars
5. self-employment, including employment under sub-contracting arrangements
6. any work which involves potential or actual unsupervised contact with children under the age of 16 years
7. any other work which, in the opinion of any recommending or approving authority, may cause negative media or public scrutiny of staff, policies, procedures, business units or stakeholders.

# Application Approval Process

### The Employment Coordinator shall make a recommendation regarding the suitability of the prisoner and proposed PEP provider on the PEP application report.

### The Employment Coordinator shall provide the PEP application report for review at a Case Conference.

### All PEP application reports shall be reviewed at a Case Conference meeting.

### The Chairperson, Case Conference, shall record the Case Conference recommendation in the checklist with any supporting documentation which will automatically generate a Decision Slip on TOMS. This will then be provided to the Superintendent for a recommendation to the DSM.

### The DSM shall assess the application, in accordance with this COPP, and may defer making a decision, not approve the application, or recommend the application and provide details to the Approving Authority for a decision.

### The Approving Authority, shall assess the application and may approve a prisoner to be absent from a prison or work camp for the purpose of participating in the PEP ,once satisfied that the prisoner is suitable refer [COPP 14.5 - Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/adult-custodial-rules.aspx).

### The Approving Authority may also not approve an application in accordance with this COPP.

### Sentence Management shall record the decision regarding the application using a Decision Slip on TOMS and inform the Superintendent or Authorised Officer, and the relevant Employment Coordinator of the decision.

### Sentence Management shall also provide a copy of the current PEP provider approval to the Employment Coordinator.

### The Superintendent or Authorised Officer shall instruct an Officer to notify the prisoner of the decision, as soon as practicable and record an offender note on TOMS stating that the prisoner has been informed of the decision.

### Sentence Management shall notify VNR of the outcome of an application, where applicable.

### The Employment Coordinator shall notify the proposed PEP provider of the decision and register their details on the Education and Vocational Training Community portal.

# Conditions of the PEP

### The following standard conditions shall be imposed on a prisoner’s participation in the PEP unless otherwise approved:

### no handling of cash, unless approved as part of their employment activities

### not to attend any private residence without the company of the supervising person and the resident being made aware of the status of the person as a prisoner

### not to access mobile phones (except department mobile phones for the purpose of communication with the prison or emergency services- refer to [Appendix A](#_Appendix_A:_PEP))

### not to access the internet (except under supervision for the purpose of engagement in approved employment activities)

### not to consume poppy seeds in any form

### not to accept visits from family members, partners, friends and associates at external locations, unless the visit has been approved by the prison and the employer

### not to consume alcohol

### not to be in possession of, or consume drugs, unless prescribed by a medical practitioner or approved by an Authorised Officer

### not to enter casinos, TAB outlets, bars, nightclubs or racetracks unless it is part of an approved PEP activity

### any other additional conditions as required.

# Transport

### The prisoner shall include proposed transport options in their initial PEP application.

### Transport options may include the prisoner utilising public transport, if available, or transport provided by the prison or employer.

### Prisoners may additionally apply to drive a motor vehicle on the PEP.

### Generally, transport arrangements shall be finalised prior to the approval of a prisoner to participate in the PEP activity.

### Generally, prisoners shall not be permitted to be transported in a vehicle driven by friends, family members or partners of prisoners, unless the person is also the approved employer for the PEP.

# Driving a Motor Vehicle

### A prisoner may be permitted to drive a motor vehicle on the PEP if they are in possession of a valid and current WA Motor Vehicle driver’s licence.

### The prisoner shall apply in writing and attach a photocopy of their driver’s licence.

### The Superintendent through the Case Conference may approve a prisoner to drive their own motor vehicle or an employer’s vehicle for the purposes of the PEP.

### The Superintendent through the Case Conference shall consider the following prior to approving a prisoner to drive their own vehicle or employer’s vehicle for the purposes of the PEP:

1. driving offences in the last 5 years
2. type of driving offence ([speeding, alcohol and traffic](https://www.transport.wa.gov.au/licensing/driving-offences-speeding-alcohol-and-traffic.asp))
3. recency of driving offence.

### If a prisoner has been in custody for longer than five years on their current term of imprisonment, the prisoner must pass the driver’s appraisal test, organised and paid for by the Department.

### The prisoner shall present the vehicle’s current registration papers and evidence showing ownership.

### If the vehicle does not belong to the prisoner, the owner must authorise, in writing, the prisoner’s use of the vehicle

### Prisoners may only drive an insured vehicle. This is in addition to the third-party personal cover automatically given on vehicle registration. If not, the owner of the vehicle documentation must be provided verifying that the insurance covers the prisoner’s use of the vehicle

### The vehicle is the responsibility of the prisoner and may be housed on site or externally to the prison facility.

### Searches of the prisoner’s own motor vehicle shall be conducted in accordance with [COPP 11.2 Searches](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/adult-custodial-rules.aspx).

### Prisoners shall not be permitted to transport passengers when driving a motor vehicle, unless with an approved supervisor.

### The prisoner shall be required to record the details of each journey, including the date, time, distance travelled and destination in the log book provided and may only travel to approved locations in accordance with the [Prisoner Employment Program Movement Sheet](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx).

### The Employment Coordinator shall ensure the prisoner’s log book is audited on a regular basis and recorded on TOMS notes.

### The Security Manager shall be immediately advised of any discrepancies and the Superintendent notified.

# Appeals

### A prisoner shall have the right of one appeal against their application for participation in the PEP and/or the conditions stipulated in the Decision Slip.

### An appeal by a prisoner against any decision regarding the PEP shall generally be lodged in writing with the Chairperson, Case Conference within 21 days of the date of the prisoner being notified of the decision.

### All appeals shall be forwarded to Sentence Management for processing.

### An appeal against the DSM’s decision shall be considered by the Approving Authority.

### An appeal against the Approving Authority’s decision shall be considered by a next level of Approving Authority.

### The prisoner has no right of appeal if the decision is made by the Commissioner, Corrective Services.

### Sentence Management shall notify VNR when an appeal is lodged and advise of the outcome of the appeal once a decision is made by the Approving Authority.

### The prison shall notify the prisoner of the outcome upon receiving a decision from Sentence Management.

# Commencement of the PEP

### The Superintendent or Authorised Officer shall designate an Officer(s) - to take responsibility for the management of the prisoner’s movements while on the PEP.

### The Superintendent or Authorised Officer shall complete an absence permit on TOMS, before the commencement of the PEP, refer [COPP 14.5 – Authorised Absences and Absence Permits.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

### The absence permit shall not exceed 12 hours plus travelling time to and from the prison.

### The Employment Coordinator or Authorised Officer, prior to the commencement of the absence on the PEP, shall ensure the prisoner:

1. reads and understands their obligations and the conditions listed on the absence permit
2. signs the permit and is provided a copy.

### The prisoner shall complete [a](http://www.correctiveservices.wa.gov.au/_files/prisons/adult-custodial-rules/policy-directives/pd-68-appendix-06.pdf) [Prisoner Employment Program Movement Sheet](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) in duplicate, with assistance from the Employment Coordinator, for approval from the Superintendent or Authorised Officer for the period of absence required.

### The Officer shall ensure the PEP provider signs the [Prisoner Employment Program Movement Sheet](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) at the commencement and conclusion of each daily PEP, confirming the prisoner’s adherence to the detail on the sheet.

### While a prisoner is absent from the prison on the PEP, prison staff shall not inform them of a Prisoners Review Board decision but shall provide the information when the prisoner returns to the prison.

# Paid Employment or Work Experience – Working Conditions and Wages

### A prisoner engaged in paid employment shall be employed under the award or agreement that applies to the employment as noted in the *Prisons Regulations 1982*[[7]](#footnote-7) and in accordance with legislation[[8]](#footnote-8) and shall be entitled to wages, conditions and entitlements as specified.

### The Employment Coordinator shall liaise with the employer on behalf of the prisoner, to achieve fair and equitable working conditions which are not below the Australian Minimum Wage and do not exploit the prisoner.

### Generally, prisoners shall not work more than 38 hours per week, in accordance with Fair Work legislation[[9]](#footnote-9).

### Prisoners shall open or have an activated savings bank account (referred to as the prisoner’s Employment Savings Account), to facilitate payments for employment or work experience; cheque and credit accounts are not acceptable.

### The Employment Savings Account shall be in the prisoner’s name only, and the prisoner should be the only cardholder/operator.

### Generally, the prisoner shall collect the debit card and select a Personal Identification Number (PIN) at the local branch.

### The debit card shall be held within the prison in a secure location, accessible by the cashier or Authorised Officer for the transfer of monies, as required.

### Pay slips from the employer, detailing the amount paid, shall be forwarded to the Employment Coordinator and the prisoner on each pay day within the pay period as per the industry award/Enterprise Bargaining Agreement.

### The Superintendent shall keep a record for each prisoner showing the amount of all monies held or received and the details of all transactions involving such monies[[10]](#footnote-10).

### A prisoner is required to advise Centrelink of any wages received for the purpose of an income assessment if their dependent family receives Centrelink payments.

# Monitoring and Supervision

### The Employment Coordinator shall make regular contact with the PEP providers for progress reports on each prisoner and to arrange regular site visits. Information obtained shall be recorded in offender notes.

### The Superintendent or Authorised Officer shall assign an Officer to monitor a prisoner’s absence on the PEP.

### The Employment Coordinator shall ensure the Officer is aware of the prisoner’s whereabouts and the approved person who can confirm the prisoner’s whereabouts.

### The Employment Coordinator shall provide the Officer with the following information:

1. a copy of the approved Prisoner Employment Program Movement Sheet
2. a telephone number to contact the prisoner
3. the name and address and telephone number of the PEP provider responsible for supervising the prisoner.

### The Officer shall conduct telephone and/or physical security checks on each prisoner.

### The frequency and times of the checks shall be at the discretion of the Superintendent. Information obtained shall be recorded on the movements sheet.

### Prisoners, and vehicles used to transport prisoners, shall be searched as directed by the Superintendent, in accordance with [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners shall be tested for the use of alcohol and illicit/non-prescribed drugs whilst participating on the PEP as directed by the Superintendent and in accordance with [COPP 10.4 – Prisoner Drug and Alcohol Testing](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### The prisoner’s progress on the PEP shall be reviewed at minimum, once a month, by Case Conference with input from the Employment Coordinator.

### The Employment Coordinator shall review, at a minimum, the suitability of the approved current PEP provider quarterly.

### The Employment Coordinator shall notify the Case Conference in writing of any changes in circumstances of an approved prisoner or PEP provider and recommend any further action.

### The Case Conference shall review the change in circumstances of an approved prisoner, PEP Provider and forward a recommendation to the DSM for consideration on a Decision Slip.

### The DSM shall consider changes in circumstances of an approved prisoner, PEP provider and may:

1. revoke the approval
2. defer making a decision
3. approve a temporary or minor change in circumstances or
4. refer the request to the Approving Authority for a decision.

### Where an already approved PEP provider requests the addition of new supervisors, the Employment Coordinator shall notify Sentence Management in writing and conduct the relevant criminal record check and Intelligence Summary in accordance with section 4.7 and 4.5.5.

### The request for the addition of a new supervisor shall be reviewed by the DSM and the outcome shall be recorded in the PEP provider approval document.

### Where an alternative PEP activity is proposed for a prisoner, a new assessment shall be completed.

### The Superintendent or Authorised Officer shall ensure a review is undertaken of the prisoner’s suitability to continue to participate in the current PEP activity, where the circumstances of the PEP activity or PEP provider change (including changes to the original approval conditions or work location but excluding instances under section 13.1.14.

### Life/indefinite sentenced prisoners may continue the approved PEP activity, including paid employment on completion of their Re-Socialisation Program until a parole decision has been made.

# Workplace Accidents and Injuries

### A prisoner injured during the course of carrying out tasks while engaged in education, work experience, vocational training, or paid employment at the approved location, shall be covered by the insurance of the PEP provider.

### Prisoners must advise their employer of the injury or accident and attend their employer’s medical. The prisoner’s employer shall ensure treatment under the ‘Work Cover’ insurance scheme.

### The employer or prisoner must notify the Superintendent or Supervising Officer as soon as practicable of the details of the incident, the current location and status of the prisoner.

### The prisoner must report to the Supervising Officer on returning to the prison. The Supervising Officer shall:

1. complete an Incident Report on TOMS in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
2. complete a [Solv Safety](https://dojwa.sharepoint.com/sites/intranet/human-resources/safety-health/Pages/solv-portal.aspx) report
3. inform Health Services staff of the prisoner’s accident or injury and whether any treatment was received
4. provide health services staff with any prescriptions or documentation.

### Prisoners shall not take any medication, including prescribed medication issued by an external clinic/doctor, other than in an emergency and without obtaining approval from the respective prison Health Centre.

# Gratuities

### Prisoners engaged in a full time PEP paid employment are not to receive gratuities and should have their gratuity level changed on TOMS to Level 6, with the reason entered as ‘Prisoner Employment Program’.

### Prisoners engaged in part time PEP paid employment may receive gratuities for days on which they are not undertaking PEP employment but engaging in prison employment.

### The Superintendent shall determine the level of gratuities for prisoners engaged in the PEP other than paid employment.

# Deductions

## General

### The Superintendent may order deductions from the prisoner’s employment savings account[[11]](#footnote-11).

### Prisoners shall be required to pay board and any incidentals associated with their employment.

### The Superintendent shall determine the amount of funds requested by the prisoner for canteen purchases and incidentals.

### When money is deducted for purchases, expenses or board, the balance remaining in the prisoner’s Employment Savings Account shall not be less than one week’s gratuities payable for work classified as Level 1[[12]](#footnote-12).

### All prisons with prisoners participating in paid employment or work experience must have an Electronic Funds Transfer at Point of Sale (EFTPOS) terminal installed on site.

### On receipt of wages into the prisoner’s Employment Savings Account, the following shall occur:

1. the prisoner shall complete a Request to Transfer Cash form or a C63 form with assistance as required.
2. the funds requested in the Request to Transfer Cash form shall be transferred from the prisoner’s Employment Savings Account via EFTPOS into the prisoner’s Personal Private Cash Account (PPCA); the value of the transaction shall be entered by a member of staff and the PIN entered by the prisoner
3. the total transaction amount is credited to the prisoner’s PPCA on TOMS on approval of the EFTPOS transaction. The EFTPOS receipt shall be treated as a financial document for reconciliation
4. The prisoner’s board payments, incidentals and all other debits outlined in the Request to Transfer Cash form are then debited from the prisoner’s PPCA in accordance with [COPP 8.4 – Prisoner Finances](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Board

### A prisoner who engages in paid employment shall be required to pay board to the Department[[13]](#footnote-13).

### The current rate of board is $120 per week for a prisoner participating in full-time paid employment and $60 per week for a prisoner participating in part-time paid employment.

### Any prisoner engaged in paid employment who is paid for more than 20 hours of work in one week is considered to be employed on a full time basis and a prisoner paid for 20 hours or less of work per week is considered to be employed on a part-time basis.

### Board is calculated on the basis of a 7 day week, commencing on Monday and concluding on Sunday. Where a prisoner commences on or is discharged from the program during the 7 day period, a daily pro-rata rate of board shall be paid.

### Prisoners shall pay board on their payment of salary.

### The Approving Authority may conduct a review of board payments, as necessary.

## Incidentals

### Incidental expenses include, but are not limited to petrol, public transport, meals, work clothing and equipment.

### The Superintendent may authorise funds to cover incidental expenses for prisoners attending work experience, vocational training or education. This may be recouped from the prisoner following any subsequent engagement in paid employment.

### The employer of a prisoner participating in activities other than paid employment may reimburse prisoners’ travel expenses through the prison.

### Prisoners engaged in paid employment shall pay for incidental costs from their Employment Savings Account and may be deducted on an instalment basis in accordance with the prisoner’s pay period.

## Family payments

### A prisoner may forward a nominated amount of their wages to family for financial support, as determined by the Superintendent.

## Child support obligations

### A prisoner receiving a wage is liable to meet any child support obligations in accordance with legislation[[14]](#footnote-14) and make the necessary payment arrangements with the Child Support Agency.

## Pre-release preparation

### A prisoner may make payments to prepare for their release and assist in their transition to the community, for example, rental bond, rent in advance, outstanding debts and the purchase of liberty clothing, as determined by the Superintendent.

# Suspension or Cancellation of the PEP

### The Superintendent may suspend the prisoner’s participation in the PEP and shall advise Sentence Management immediately of the suspension and the reasons behind the suspension by telephone or email.

### A prisoner shall have their participation in the PEP suspended (pending a review) for the following reasons:

1. any breach of standard or special conditions applied to the prisoner’s absence from prison, including any condition forming part of the prisoner’s absence permit
2. any actions of a prisoner which jeopardises the good order, management and security of the prison
3. any actions of a prisoner which breaches the condition of a VRO, or any condition imposed by the VMU
4. any new charge for a criminal offence or a prison offence
5. any new conviction for a criminal offence or a prison offence
6. any new traffic offence committed or alleged to have been committed when driving a motor vehicle. This excludes parking fines.
7. the PEP provider has advised the prisoner is unsuitable to continue or is dismissed from their employment.

### The Superintendent or Authorised Officer, as soon as practicable shall arrange for a review of the incident or circumstances for the suspension and complete a decision slip on TOMS.

### Generally, where a prisoner has had their PEP cancelled for reasons specified in section 17.1.2, they shall not be considered for re-inclusion in the PEP for the remainder of their sentence.

### Life/Indefinite sentenced prisoners shall not be considered for re-inclusion in the PEP for the remainder of the current approved Re-Socialisation Program.

### The decision slip shall include a recommendation to the DSM as to whether the PEP should be reinstated, suspended further or cancelled.

## Prison offences

### The DSM shall cancel the prisoner’s participation in the PEP for a conviction of a prison offence under s70 of the *Prisons Act 1981*.

## Continuation or cancellation of the prisoner’s PEP

### The Employment Coordinator shall interview the prisoner for the purposes of determining the continuation or cancellation of the prisoner’s PEP, where the PEP provider advises that a prisoner is no longer suitable for inclusion, is dismissed or made redundant.

### The Employment Coordinator shall make a recommendation for consideration by a Case Conference and the Superintendent.

# Record Keeping

### Any paperwork or forms are to be forwarded to Operational Information Management as soon as no longer required to ensure that these records can be scanned into Content Manager and are available electronically.

# Annexures

## Related COPPs

* [COPP 8.4 – Prisoner Finances](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.7 – External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 10.4 – Prisoner Drug and Alcohol Testing](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Reporting and Notifications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.3 – Re-socialisation Programs](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 14.5 – Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Definitions and acronyms

| Term | Definition |
| --- | --- |
| Absence Permit | The document authorising a prisoner to be absent from a prison. A prisoner with a valid absence permit shall be deemed to be in lawful custody while absent as authorised by the permit. |
| Approving Authority | The person or group of persons to whom the Director General, as chief executive officer, has delegated the authority to grant an absence permit. |
| Authorised Assistant Superintendent | The Assistant Superintendent or Manager Assessments (or in the case of privately operated prisons, the relevant Assistant Director) of the prison whose responsibilities include prisoner management and/or assessments. The Authorised Assistant Superintendent is authorised by the Designated Superintendent to undertake the responsibilities as described in this document. |
| Authorised Officer | An Officer authorised by the Superintendent to manage the assessment and management of prisoner’s who have applied or are participating in the PEP. |
| Case Conference | A formal meeting convened to discuss a prisoner’s assessment documentation including PEP applications. Special Case Conferences can also be called when there are particular concerns about a prisoner’s behaviour or circumstances. |
| Centrelink | A statutory authority which delivers financial assistance and services to individuals. A Memorandum of Understanding exists between the Department of Justice, Corrective Services and Centrelink to enable effective delivery of services to prisoners prior to release. |
| Commissioner’s Operating Policy & Procedure (COPP) | Operational instruments that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| EDR | Earliest Date of Release |
| Education Employment and Transitional Services (EETS) | EETS provides an education and vocational training service for adult prisoners. |
| EED | Earliest Eligibility Date for parole |
| Employment Coordinator | The prison-based position responsible for assessing prisoners’ educational and employment requirements and suitability to participate in the PEP and is responsible for case managing individual prisoners and employers who are approved to participate in the program. |
| Employment Related Activity | Any external activity that enhances a prisoner’s prospects of gaining paid employment following release from prison. This includes work experience, vocational training, university attendance and paid employment. |
| Gratuity Level | A gratuity level as described in r. 44 *Prison Regulations 1982*. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Individual Management Plan (IMP) | The approved plan developed in consultation with treatment, education and assessment staff and the prisoner. The IMP spans the prisoner’s sentence through to release. It identifies prisoner needs and contains recommendations for prison placements, security classification and interventions that will assist the prisoner to live a pro-social life on release to the community. |
| Medical Practitioner | A medical doctor who is registered as a medical practitioner under the [*Health Practitioner Regulation National Law (WA) Act 2010*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_12107_homepage.html). |
| TOMS Notes | The area within the Total Offender Management Solution (TOMS) database where information relating to a prisoner’s Individual Management Plan (or other behaviour/situation that may affect the prisoner’s IMP), may be recorded by the Case  Officer or other staff member. TOMS Notes inform interested parties as to the prisoner’s current situation. |
| Prisoner | Any person in lawful custody and referred to as a prisoner in s. 3 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html); also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the court security and custodial services contract |
| Prisoner Employment Program (PEP) | An approved programme provided for the wellbeing and rehabilitation of prisoners, in accordance with s. 95 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) . |
| PEP Provider | The employer, educator or trainer approved to provide meaningful and sustainable employment, education or training to prisoners as part of the PEP. |
| PPCA | Personal Private Cash Account |
| Prisoners Review Board (PRB) | The Board established under s. 102 *Sentence Administration Act 2003* and the authority responsible for determining the release of prisoners to Early Release Orders. |
| Sentence Management | The directorate within the Department responsible for sentence calculation, release planning, compassionate leave and monitoring of assessments and placement of prisoners in custody in Western Australia. |
| Superintendent | The Superintendent as defined in s. 36 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) includes any reference to the position responsible for the management of a private prison under Part IIIA [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). This does not extend to the Officer in Charge. |
| Supervising Officer | A Prison Officer, contract worker as defined in the *Court Security and Custodial Services Act 1999* or any other person who the chief executive officer thinks fit to be appointed to supervise the prisoner’s participation in the PEP in r. 54I [*Prisons Regulations 1982*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1947_homepage.html). |
| Tertiary Studies Assessment Committee (TSAC) | A committee that is responsible for assessing prisoners’ applications to undertake undergraduate and post graduate tertiary studies externally. |
| Total Offender Management Solution (TOMS) | The computer application used by the Department of Justice for the management of prisoners in custody. |
| Traineeship | A traineeship provides hands-on skills and work experience and can improve the employment prospects and a range of career choices for the prisoners. Upon successful completion, the prisoner will receive a nationally recognised qualification in their chosen vocational area. |
| Unlawful Consorting Notice | Unlawful Consorting Notice issued under the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* |
| VMU | Victim Mediation Unit |
| Victim Notification Register (VNR) | Victim Notification Register is an information service for victims of crime |
| Vocational Training | Education or training that emphasises skills and knowledge a prisoner will need for the day-to-day duties that they will be doing in a specific trade, craft, profession, or role. |
| Work Experience | Any unpaid position with an employer to enable a prisoner to gain skills, with the intention that it will lead to paid employment, a traineeship, career choices or the development of new skills. |

## Related legislation

* *Criminal Law (Mentally Impaired Accused) Act 1996*
* *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*
* *High Risk Serious Offenders Act 2020* [*Health Practitioner Regulation National Law (WA) Act 2010*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_12107_homepage.html)
* *Industrial Relations Act 1979*
* *Prisons Act 1981*
* *Prisons Regulations 1982*
* *Fair Work Act 2009* (Cth)
* *Fair Work Regulations 2009*
* *Work Health and Safety Act 2020*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the Operational [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner will ensure that management oversight occurs as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

Document version history

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective Date |
| 1.0 | Operational Support | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 6 October 2021 | 8 November 2021 |
| 2.0 | Operational Policy | Amended following feedback from Sentence Management. Approved by the A/Director Operational, Projects, Policy, Compliance and Contracts | 8 November 2021 | 8 November 2021 |
| 3.0 | Operational Policy | Approved by the A/Commissioner | 26 July 2023 | 27 July 2023 |
| 4.0 | Operational Policy | Approved by the Commissioner Corrective Services  CM: S23/112757 | 4 December 2023 | 12 December 2023 |

# Appendix A: PEP Prisoner Access to Mobile Phones

# The Department may issue prisoners on the PEP with a mobile phone under the following circumstances:

# any mobile phone issued to a prisoner must be locked down via telecommunications

# prisoners PEP mobile phone number shall be listed on the telecommunications PEP register

# purchasing and programming of a prisoner’s PEP mobile phone can be arranged via email to the Knowledge Information and Technology (KIT) telecommunications service desk inbox

# restricted Telstra sim cards may be requested via KIT, this process may take approximately 2 weeks

# requests should clearly state a PEP mobile phone is to be supplied

# the issued prisoners PEP mobile phone must prohibit access to the internet and text messaging/SMS

# security stickers shall be placed over the SIM card and battery insertion sections on the phone to determine if tampering is evident

# the prisoners PEP mobile phone must only enable calls to the prison and shall include emergency services

# the prison shall need to identify the prison telephone numbers available to prisoners to call when contacting the prison

# prisoners PEP mobile phone number must be available to prison staff but not to the prisoner

# the allocation and return of the prisoners PEP mobile phone shall be documented in the gatehouse occurrence book

# PEP mobile phones issued to prisoners should be fully charged to ensure they will remain functional throughout the day if required.

# on issuing and return the PEP mobile phone shall be checked for tampering

# where tampering is evident the Security Manager shall be notified immediately, a security report shall be submitted. An incident report shall also be submitted in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# The prisoners PEP mobile phone shall be audited regularly by security for unauthorised use (e.g. call logs) or tampering. Audits should be conducted physically on the phone and where suspicion remains, billing call logs may be requested via Knowledge Information and Technology (KIT) telecommunications service desk inbox.

1. s. 95 *Prisons Act 1981* [↑](#footnote-ref-1)
2. s. 83 *Prisons Act 1981* [↑](#footnote-ref-2)
3. Part 3 *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* [↑](#footnote-ref-3)
4. r. 54F(4) *Prisons Regulations 1982* [↑](#footnote-ref-4)
5. s.23 *Prisons Act 1981* [↑](#footnote-ref-5)
6. *Work Health and Safety Act 2020.* [↑](#footnote-ref-6)
7. r. 54H *Prisons Regulations 1982* [↑](#footnote-ref-7)
8. *Industrial Relations Act 1979*, *Industrial Relations Act 1988* of the *Commonwealth and the Workplace Relations Act 1996 (Cth)* [↑](#footnote-ref-8)
9. s.62 *Fair Work Act 2009* [↑](#footnote-ref-9)
10. r. 46(b) *Prisons Regulations 1982* [↑](#footnote-ref-10)
11. r. 54L *Prisons Regulations 1982* [↑](#footnote-ref-11)
12. r. 54L(2) *Prisons Regulations 1982* [↑](#footnote-ref-12)
13. r. 54L(d) *Prisons Regulations 1982* [↑](#footnote-ref-13)
14. *Child Support (Registration and Collection) Act 1988 (Cth)* [↑](#footnote-ref-14)